

REMARKS

With entry of this amendment, claims 135 and 175-176 have been cancelled, and claims 179-196 have been newly added. As a result, claims 130, 131, 133, 134, 136, 137, 139-144, 169-174, and 177-196 are pending. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 130-137, 139-144, 169, 170, 173, and 177 stand rejected under §102(e) as being anticipated by U.S. Patent No. 6,215,892 ("Douglass"). In accordance with the Examiner's suggestion, Applicant has incorporated the features of now-cancelled dependent claim 176, as well as the features of now-cancelled intervening claims 135 and 175, within independent claim 130. Because the Examiner concluded that claim 176 recited patentable subject matter, it is believed that amended claim 130 recites patentable subject matter.

Thus, Applicant submits that independent claim 130, as well as the claims depending therefrom (claims 131, 133, 134, 136, 137, 139-144, 169, 170, 173, and 177), are not anticipated by Douglass, and as such, respectfully request withdrawal of the rejection of these claims.

Claim Rejections-35 U.S.C. §103

Claims 171, 172, and 174 stand rejected under 35 U.S.C. §103, as being obvious over Douglass in view of the publication Brenner, et al., "An Automated Microscope for Cytological Research: A Preliminary Evaluation," The Journal of Histochemistry and

Cytochemistry, Vol. 24, No. 1, pp. 100-111, 1976 ("Brenner"). Applicant respectfully traverses these rejections, since no proper combination of Douglass and Brenner discloses, teaches, or suggests the combination of elements required by claims 171, 172, and 174.

In particular, as discussed above, Douglass does not disclose the subject matter recited in amended claim 130 from which claims 171, 172, and 174 depend, and Brenner does not supplement this failed teaching. Thus, Applicant submits that claims 171, 172, and 174 are not obvious over any combination of Douglass and Brenner, and as such, respectfully requests withdrawal of the §103 rejection of these claims.

Newly Added Claims

Applicant submits that newly added claims 179-196 is supported by the specification, as originally filed and are patentable over the cited prior art for at least the same reasons as independent claim 130 is patentable over the cited prior art.

Conclusion

Based on the foregoing, it is believed that all claims are allowable, and thus, a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Dated: October 30, 2007

Respectfully submitted,

By: 

Michael J. Bolan
Reg. No. 42,339

Customer No. 41696
Vista IP Law Group LLP
12930 Saratoga Avenue, Suite D-2
Saratoga, CA 95070